THE HONOURABLE SRI JUSTICE
A.GOPAL REDDY

W.P.No.7187 of 2006

Dt.13-04-2006

Between:

1. Tedlapu Appa Rao and others

..Petitioners

and

1.Visakhapatnam Municipal Corporation, Visakhapatnam,
rep. by its Municipal Commissioner and others.

..Respondents.

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Oral Order:

Learned counsel for the petitioners though impleaded Mandal Revenue Officer and District Collector as respondents 2 and 3 fairly conceded that it is only the 1st respondent who is laying the road without following the procedure. The petitioners were granted D-Form patta to an extent of 5 acres in Sy.No.26 of Modasarilova village, Visakhapatnam District.

Learned counsel for the 1st respondent—Corporation fairly submits that in the light of law declared by this Court in W.P.No.21198 of 1997 and batch dated 03-02-1998 whenever the land is required for road widening the authorities are under obligation to follow due procedure for acquisition of the land under the provisions of Sections 146 and 147 of Hyderabad Municipal Corporation Act, 1955, which is extended to other Municipal Corporations, after obtaining consent of the land owner and in the event they have not given consent proceedings under the Land Acquisition Act have to be initiated for acquiring the same.

In view of the same, without following due procedure respondents cannot dispossess the petitioners from the land in question.

Writ petition is accordingly disposed of. No costs.

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A.GOPAL REDDY, J.

13-04-2006
Note: Operative Portion by wire
at party's cost.
(bo)

Murthy